

HOUSE No. 831

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and David Paul Linsky relative to the establishment of a special commission to make an investigation of the administration, management and operation of the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO CREATE A SPECIAL COMMISSION TO EVALUATE THE ADMINISTRATION OF THE TRIAL COURT OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Declaration of Purpose.

2 The Constitution of the Commonwealth of Massachusetts pro-
3 vides for three equal branches of government including an execu-
4 tive, legislative, and judicial branch. To facilitate and ensure the
5 independence of each branch, the legislature hereby commissions
6 a study to investigate the administration of the trial court of the
7 commonwealth and to determine the effect the current budgetary
8 process has on the independence of the trial court of the common-
9 wealth.

1 SECTION 2. (a) There is hereby established a special commis-
2 sion to study the administration, management and operation of the
3 trial court of the commonwealth. With the objective of ensuring
4 and strengthening the independence of the trial court of the com-
5 monwealth, the special commission shall study:

6 (1) the administrative organization and structure of the trial
7 court including, but not limited to:

8 (i) the consolidation of the seven departments of the trial court
9 into one trial court system;

10 (ii) the management of the trial court by a non-judicial, profes-
11 sional administrator; and

12 (iii) the administration of the individual divisions or places for
13 holding court within the trial court;

14 (2) the fiscal practices and policies of the judiciary to allocate,
15 manage and spend appropriations;

16 (3) the process to develop, create and administer the budget for
17 the judiciary;

18 (4) the personnel policies and practices, including the hiring,
19 supervision and evaluation of employees in all court departments;

20 (5) the management, maintenance and construction of court
21 facilities; and

22 (6) the operation of the courts, including assignments of per-
23 sonnel, transferability of funds and scheduling of court sessions.

24 (b) No later than 30 days after the effective date of this act, the
25 governor, the speaker of the house of representatives and the pres-
26 ident of the senate shall each appoint three members to the special
27 commission. The governor, speaker, and president shall each
28 appoint at least:

29 (1) one member of the Massachusetts Bar Association; and

30 (2) one member of the faculty of an American Bar Association
31 accredited school of law within the commonwealth.

32 (c) No later than 30 days after the effective date of this act, the
33 chief justice of the supreme judicial court shall appoint three
34 members to the special commission, including:

35 (1) the chief justice for administration and management or the
36 chief justice's designee; and

37 (2) two employees of the trial court; provided that the 2
38 employees do not work in the office of the chief justice for admin-
39 istration and management.

40 (d) The chief justice of the supreme judicial court shall appoint
41 one of the members of the special commission to serve as its
42 chair. All members shall serve without compensation in an advi-
43 sory capacity.

44 (e) The special commission may consult individuals and enti-
45 ties outside of its membership for research, advice, support and
46 other functions necessary and appropriate to accomplish the com-
47 mission's objectives.

48 (f) The special commission shall meet at a time and place as the
49 chair shall determine. The special commission shall meet as the

50 frequently as necessary to finalize its investigations, research and
51 proposals.

52 (g) The special commission shall submit a report to the gov-
53 ernor, the speaker of the house of representatives, the senate presi-
54 dent, and the chief justice of the supreme judicial court setting
55 forth the special commission's findings, along with its recommen-
56 dations and specific legislative proposals, no later than one year
57 after the special commission's appointment.

58 (h) The special commission shall dissolve upon completion of
59 its duties and obligations, as indicated by submission of its find-
60 ings and recommendations.